

Regular Session, 2014

HOUSE BILL NO. 400

BY REPRESENTATIVE BADON

TRADEMARKS/TRADE NAMES: Provides relative to using Jazzland as a trademark

1 AN ACT

2 To repeal Subpart G of Part VI of Chapter 1 of Title 51 of the Louisiana Revised Statutes
3 of 1950, comprised of R.S. 51:300.1 through 300.6, relative to Jazzland, Inc.; to
4 repeal provisions of law relating to the reservation of the term "Jazzland" and related
5 logos and symbols as trade names, trademarks, and service marks by Jazzland, Inc.
6 in the state of Louisiana.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart G of Part VI of Chapter 1 of Title 51 of the Louisiana Revised
9 Statutes of 1950, comprised of R.S. 51:300.1 through 300.6, is hereby repealed in its
10 entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB No. 400

Abstract: Repeals the protection of the term Jazzland and its logo from unauthorized commercial exploitation by repealing provisions relating to the term "Jazzland" and related logos and symbols as trade names, trademarks, and service marks by Jazzland, Inc. in the state of La.

Present law, Subpart G of Part VI of Chapter 1 of Title 51 of the La. Revised Statutes of 1950, comprised of R.S. 51:300.1-300.6, declares that the term "Jazzland" and all phrases containing "Jazzland" and the logos, one logo comprising the stylized word "JAZZLAND" with letters at different heights, with two wavy lines above the letters and two characterized people above the "J" and the second logo, a caricature of an alligator wearing a modified top hat, a waistcoat, a diagonal sash, and carrying a parasol are uniquely descriptive and is reserved to Jazzland, Inc., to prevent unauthorized commercial exploitation.

Present law provides that the term "Jazzland" and its logo are reserved to Jazzland, Inc., as trade names, trademarks, and service marks in all fields of commerce in La. and only Jazzland, Inc., can issue licenses to persons or entities to utilize the described name and logo.

Present law prohibits the secretary of state from registering any name or logo reserved in present law except to Jazzland, Inc., or with the written approval of Jazzland, Inc.

Present law prohibits the secretary of state from registering any name or logo which so resembles those reserved in present law which would cause confusion or mistake or to deceive, except to Jazzland, Inc., or with the written approval of Jazzland, Inc.

Present law prohibits the use of any reproduction, counterfeit, copy, or colorable imitation of a mark reserved by present law when such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services.

Present law provides for a civil action for any and all remedies for violations of present law and allows for injunctions to restrain the manufacturing, use, display, or sale as may be deemed just and reasonable.

Present law does not affect the right of Jazzland, Inc., to prosecute or seek prosecution under any other law of this state.

Proposed law repeals present law.

(Repeals R.S. 51:300.1-300.6)