

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

490J0340

## HOUSE BILL NO. 1171

Introduced by: Representative Adelstein and Senator McCracken

1 FOR AN ACT ENTITLED, An Act to provide that certain trademarks and service marks may  
2 not be registered under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 37-6-11 be amended to read as follows:

5 37-6-11. A mark by which the goods or services of any applicant for registration may be  
6 distinguished from the goods of others ~~shall~~ may not be registered if it consists of or comprises  
7 a mark which so resembles a mark registered in this state or a mark or trade name previously  
8 used in this state by another and not abandoned, as to be likely, ~~when~~ if applied to the goods or  
9 services of the applicant, to cause confusion or mistake or to deceive. In addition, a mark may  
10 not be registered if it consists of or comprises a name used in this state by a partnership,  
11 association, limited liability company, or corporation.

