

No. 51

AN ACT

SB 692

Amending the act of July 12, 1968 (P.L.330, No.161), entitled "An act establishing the Bicentennial Commission of Pennsylvania to plan and develop Pennsylvania's participation in the commemoration of the American Revolution; providing for the appointment of members and the powers and duties of the commission; and making an appropriation," providing for the adoption and licensing of marks, and further providing for remedies for infringement.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2, act of July 12, 1968 (P.L.330, No.161), known as the "Bicentennial Commission of Pennsylvania Act," is amended by adding a clause to read:

Section 2. Legislative Findings; Declaration of Policy.—It is hereby determined and declared as a matter of legislative finding:

* * *

(6) That it is both desirable and necessary to protect by statute certain distinctive marks relating to the Bicentennial observance.

Section 2. The act is amended by adding sections to read:

Section 4.1. Logotypes, symbols, slogans and other representations.—(a) As used in this section, the word "mark" means any logotype, symbol, slogan, or other representation adopted by the commission and published in the Pennsylvania Bulletin.

(b) No person, partnership, corporation or other entity, except as authorized by the commission, shall use, manufacture, sell, reproduce, counterfeit, copy, colorably imitate or otherwise use in a manner likely to cause confusion, to cause mistake or to deceive, any mark adopted by the commission, or any item bearing such mark, or apply any such mark to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used upon, or in connection with, the manufacture, sale, offering for sale, distribution, or advertising of goods or services.

(c) The commission shall have the power to authorize any person, partnership, corporation or other entity, in exchange for such monetary or other consideration as it may deem appropriate, to reproduce, or otherwise use, any mark adopted by the commission. Any moneys generated through such authorization shall be remitted to the commission and shall be available to the commission for its use.

(d) Any person, partnership, corporation or other entity who shall make use of any mark in a manner proscribed by subsection (b) shall be liable to the commission for infringement in the amount of ten per cent

of the retail sale price of each article to which it is affixed or in connection with which it is used, or if not affixed to or used in connection with an article sold, then fifty cents (.50) for each copy reproduced. Any moneys obtained pursuant to this subsection shall be remitted to the commission and shall be available to the commissioner for its use.

(e) In addition to remedies available at law, the Department of Justice, on behalf of the commission, may institute proceedings in court to enjoin any act proscribed by subsection (b).

Section 4.2. Validation of Prior Authorizations.—All authorizations heretofore made by the commission to persons, partnerships, corporations, or other entities to manufacture, reproduce or otherwise use any mark adopted by the commission originated or obtained under the authority of and certified by the commission for use in connection with the commemoration of the American Revolution Bicentennial and the receipt of all moneys and funds heretofore collected and deposited with the commission in exchange for such authorization are hereby validated and made legally effective.

Section 3. This act shall take effect immediately.

APPROVED—The 25th day of July, A. D. 1975.

MILTON J. SHAPP