

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 12, 2011

TO: Honorable Joe Deshotel, Chair, House Committee on Business & Industry

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3141 by Hartnett (Relating to the registration and protection of trademarks.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would make several changes to Chapter 16 of the Business and Commerce Code on trademarks.

The bill would make a mark registrable except for under certain circumstances to include if the mark resembles a mark registered in this state or an unabandoned mark registered with the United States Patent and Trademark Office.

The certificate of registration issued by the Secretary of State (SOS) would be required to contain certain items to include the Secretary of State's signature, the SOS official seal, and a reproduction of the mark.

The registration of a mark would expire on the fifth anniversary of the date of registration.

The bill would allow a license, security interest, or mortgage that relates to a mark registered or an application pending to be recorded with SOS.

SOS would be allowed by rule to prescribe the amount of fees payable for the various applications and for the filing and recording of those applications for related services.

SOS would no longer have to notify registrants in writing of the necessity for renewing or reregistering.

A suit, proceeding, or appeal pending on September 1, 2011 would be governed by the law in effect on the date the suit, proceeding, or appeal was filed.

It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources.

The bill would take effect on September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, AG, MS, BTA