

AN ACT

relating to the registration and use of marks, including trademarks and service marks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.002, Business & Commerce Code, is amended to read as follows:

Sec. 16.002. INAPPLICABILITY OF CHAPTER. (a) This chapter does not apply to the registration or use of a livestock brand or other indicia of ownership of goods that do not qualify as a mark.

(b) Except as provided by this subsection, a trade name is not registrable under this chapter. If a trade name is also a service mark or trademark, the trade name is registrable as a service mark or trademark.

SECTION 2. Subsection (c), Section 16.003, Business & Commerce Code, is amended to read as follows:

(c) Use of a [A] mark made merely to reserve a right in the mark is not considered to be a bona fide [in] use of a mark for purposes of [in] this chapter [state in connection with goods or services].

SECTION 3. Subsection (b), Section 16.059, Business & Commerce Code, is amended to read as follows:

(b) The registration of a mark under this chapter may be renewed for an additional five-year term by filing a renewal

1 application in the manner prescribed by the secretary of state and
2 paying a renewal fee not earlier [~~later~~] than the 180th day before
3 the date the registration expires.

4 SECTION 4. The change in law made by this Act to Subsection
5 (b), Section 16.059, Business & Commerce Code, applies only to a
6 renewal application filed on or after the effective date of this
7 Act. A renewal application filed before the effective date of this
8 Act is governed by the law in effect immediately before that date,
9 and that law is continued in effect for that purpose.

10 SECTION 5. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1033 passed the Senate on April 4, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1033 passed the House on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor