

By: Moody

H.B. No. 3528

Substitute the following for H.B. No. 3528:

By: Collier

C.S.H.B. No. 3528

A BILL TO BE ENTITLED

AN ACT

relating to the Internet domain name used by a website that sells tickets to events.

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

SECTION 1. Subtitle B, Title 10, Business & Commerce Code, is amended by adding Chapter 327 to read as follows:

CHAPTER 327. INTERNET WEBSITE DOMAIN NAMES FOR TICKET SELLERS

Sec. 327.001. DEFINITIONS. In this chapter:

(1) "Internet domain name" means a globally unique, hierarchical reference to an Internet host or service that is:

(A) assigned through a centralized Internet naming authority; and

(B) composed of a series of character strings separated by periods with the right-most string specifying the top of the hierarchy.

(2) "Performer" means an individual, team, group, or other person that entertains an audience.

(3) "Ticket website" means an Internet website or mobile application advertising or offering the sale of tickets, or offering tickets for resale, to an event in this state.

(4) "URL" means the uniform resource locator address for an Internet website that may include the website's Internet domain name or a subdomain of the Internet domain name.

(5) "Venue" means an arena, stadium, theater, concert

1 hall, or other place used for events such as exhibitions, sporting
2 events, concerts, or other live entertainment events.

3 (6) "Website operator" means a person who owns,
4 operates, manages, licenses, or controls a ticket website for an
5 event scheduled at a venue in this state.

6 Sec. 327.002. TICKET WEBSITE DOMAIN NAME RESTRICTED. (a)
7 Except as provided by Subsection (b), a website operator may not
8 intentionally use an Internet domain name, or any subdomain of the
9 Internet domain name, in a ticket website's URL that contains any of
10 the following:

11 (1) the name of:

12 (A) a performer;

13 (B) an organization or association that is
14 associated with a performer, such as a professional sports league;

15 (C) a venue in this state; or

16 (D) an exhibition, performance, or other event to
17 be held at a venue in this state;

18 (2) a trademark not owned by the website operator,
19 including a trademark owned by an authorized agent or partner of the
20 venue or event; or

21 (3) any name substantially similar to a name described
22 by Subdivision (1), including a misspelling of the name.

23 (b) Subsection (a) does not apply to a website operator who
24 is authorized by a performer, organization, venue, or event's
25 organizer to use the name or trademark on the performer's,
26 organization's, venue's, or event's behalf for the purpose of
27 selling or reselling tickets.

1 Sec. 327.003. DECEPTIVE TRADE PRACTICE. A violation of
2 this chapter is a deceptive trade practice under Subchapter E,
3 Chapter 17, and is actionable under that subchapter.

4 SECTION 2. This Act takes effect September 1, 2019.