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Fifty-ninth
Legislative Assembly   **SENATE BILL NO. 2165**
of North Dakota

Introduced by

Senators Trenbeath, Espegard, Heitkamp

Representatives Hawken, Herbel

1   A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century

2   Code, relating to the unauthorized use of the name or logo of a bank, trust company, savings

3   association, savings bank, or affiliated entity; and to provide a penalty.

4   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5   **SECTION 1.** A new chapter to title 6 of the North Dakota Century Code is created and

6   enacted as follows:

7   **Unlawful use of name or logo.** A person may not use the name or logo of any bank,

8   trust company, savings association, or savings bank or of an affiliate of such financial institution

9   in connection with the sale, distribution, offer for sale, advertisement, or promotion of any

10   product or service without first obtaining the written consent of the bank, trust company, savings

11   association, savings bank, or affiliate. A person may not use the name or logo of a bank, trust

12   company, savings association, savings bank, or affiliate in a manner that will make it difficult to

13   understand or will mislead an individual about the source of origin, affiliation, or sponsorship of

14   a product or service or about the true identity source of a communication regardless of the

15   nature of the communication.

16   **Civil liability - Attorney's fees.** A person that violates this chapter is civilly liable to the

17   bank, trust company, savings association, savings bank, or affiliate for each unlawful use of a

18   name or logo in the amount of one thousand dollars or actual damages, whichever is greater,

19   plus reasonable attorney's fees.

20   **Injunction.** A court may enjoin the use of a name or logo which violates this chapter.

21   An action for injunction under this section is in addition to any other remedy that may be

22   available.

23   **Penalty.** A person that willfully violates this chapter is guilty of a class B misdemeanor.