

**SENATE BILL NO. 2280**

Introduced by

Senators Klein, Kilzer

1 A BILL for an Act to amend and reenact section 47-22-04 of the North Dakota Century Code,  
2 relating to duties of the secretary of state with respect to registration of trademarks.

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

4 **SECTION 1. AMENDMENT.** Section 47-22-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **47-22-04. Certificate of registration.** Before the secretary of state may issue a  
7 certificate of registration to an applicant, the secretary of state shall conduct a nationwide  
8 search for trademarks identical or nearly resembling the applicant's mark and provide the  
9 results of the search to the applicant. Upon compliance by the applicant with the requirements  
10 of this chapter, the secretary of state shall cause a certificate of registration to be issued and  
11 delivered to the applicant. The certificate of registration must be issued under the signature of  
12 the secretary of state and the seal of the state, and it shall show the name and business  
13 address and, if a corporation, the state of incorporation, and, if a limited liability company, the  
14 state of organization, of the person claiming ownership of the mark, the date claimed for the first  
15 use of the mark anywhere and the date claimed for the first use of the mark in this state, the  
16 class, or classes, of goods or services and a description of the goods or services on which the  
17 mark is used, a facsimile of the mark, the registration date, and the term of registration.

18 Any certificate of registration issued by the secretary of state under the provisions  
19 hereof or a copy thereof duly certified by the secretary of state is admissible in evidence as  
20 competent and sufficient proof of the registration of such mark in any action or judicial  
21 proceedings in any court of this state.