

tion upon township officers, as required by law, twenty-five cents (25 cents) each; for filing any papers required by law to be filed in his office, ten cents (10 cents) each; for posting notices required by law, twenty-five cents (25 cents) each; for recording any order or any instrument or writing authorized by law, ten cents (10 cents) for each one hundred words; for copying any record or instrument on file in his office and certifying the same, ten cents (10 cents) for each one hundred words, to be paid for by the person for the same.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 20, 1917.

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## TRADE-MARK

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### CHAPTER 237.

[S. B. No. 36—Haggart.]

#### TRADE MARK.

An Act to Establish a Trade-Mark for North Dakota Products; to Provide Standards for Products on which the Trade-Mark may be Used; to Provide for Proper Registration and Licensing and Other Things in Connection with the Use of the said Trade-Mark.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. TRADE-MARK DEFINED.] There is hereby established a trade-mark to be used on North Dakota products of a standard grade as established under the provisions of this act; the said trade-mark to consist of an arch, the keystone of which will have the words "Quality and Measure" printed on same; hanging directly below the keystone will be a set of scales, and on the main body of the arch will be the words "North Dakota," directly below the scales "Standard," will be printed on a ribbon. Below the ribbon afore mentioned and in front of the four Ionic pillars will be the map of North Dakota. Directly below said map will be the words "State Trade-Mark." And provision shall be made for receiving license number. The entire superstruction will be supported by a foundation representing steps, on the lower step will be printed the words "North Dakota Backs It Up." Place will also be left for the firm name when so desired. The said trade-mark may be in colors or in black and white, as provided for by the Food Commissioner.

§ 2. DUTIES OF THE FOOD COMMISSIONER.] It shall be the duty of the Food Commissioner at Fargo to see that the provisions of the said Act are enforced and complied with, and the Food Commissioner shall have authority to establish standards of purity.

quality and strength for all products and classes of products on which the North Dakota trade-mark may be used; and the said trade-mark shall be used upon no other products than those for which standards have been established and proclaimed as official by the Food Commissioner.

§ 3. RULES AND REGULATIONS.] The Food Commissioner shall make such rules and regulations as may be necessary within the provisions of this Act that the same may be put in force, and do such other matters relative to the successful execution of the provisions of this act as he shall deem proper.

§ 4. LICENSE, HOW PROCURED.] Any person, firm, corporation or organization desiring to use the North Dakota trade-mark on any article grown, manufactured or produced in North Dakota, shall make application to the Food Commissioner, on blanks properly prepared, setting forth the nature of the article on which the said trade-mark is to be used, and after investigation the Food Commissioner shall issue an order on the Secretary of the State for a license for one year for the use of said trade-mark on an article conforming with the standards established for the said article or product.

§ 5. LICENSE, WHEN FORFEITED.] Any person, firm, corporation or organization who uses the said license in any way without due authority of law on products which do not conform with the standards as established, or who fails to insert the license number, or falsely inserts any number not assigned thereto, shall have his license revoked by the Food Commissioner.

§ 6. DUTIES OF THE SECRETARY OF STATE.] All applications for licenses, when approved by the Food Commissioner, shall be transmitted to the Secretary of State, who, on the authority of the Food Commissioner, shall issue the said license and a license number for the product on which the trade-mark is to be used and shall keep at all times, of easy access to the public, a record showing the names of all persons, firms, corporations or organizations who have authority to use the trade-mark, together with their addresses. When a license has been issued by the Secretary of State he shall so notify the Food Commissioner, furnishing also the number assigned.

§ 7. FEES.] The fees for registration and permission to use the North Dakota trade-mark shall be \$5.00 and \$1.00 annually for renewals, the same to be paid to the Food Commissioner on making application for a license.

§ 8. WHO SHALL FURNISH TRADE-MARK.] The trade-mark in various sizes as needed shall be furnished by the Food Commissioner on payment of cost of producing the same to all those who have made proper registration and to whom a license has been issued during the life of said license.

§ 9. PENALTIES.] Any person, firm, corporation or organization using the said North Dakota trade-mark, as herein provided for, without complying with the provisions of the law, or without

first having registered their product, or who fails to include in the trade-mark, as provided for, his license number or who uses a license number not assigned to him, or who uses the trade-mark upon an article not conforming with the standards as provided for, is guilty of a misdemeanor and shall be fined for the first offense from \$10.00 to \$100.00, together with all costs; for the second offense the fine shall not be less than \$100.00 nor more than \$1,000.00, together with costs, or sixty (60) days in jail, or both, at the discretion of the court.

§ 10. INVESTIGATIONS.] It shall be the duty of the Food Commissioner or his authorized deputies to make investigations to determine the character of the products offered for sale in the state or which are shipped from the state under the North Dakota trade-mark, and the information so gathered shall be published from time to time as bulletins, and the said Food Commissioner shall make an annual report accounting for all funds for each fiscal year and give a list of all products licensed together with the name, address and license number assigned.

§ 11. STANDING APPROPRIATION.] All moneys which shall come into the Food Commissioner on account of the Trade-mark law and the licenses thereunder for North Dakota, or so much thereof as may be necessary, are hereby annually appropriated for the payment of the salaries, fees, and expenses provided for in this article to be disbursed on the order of the Food Commissioner; and all such moneys so received shall be paid at the end of each month by the Food Commissioner into the hands of the Treasurer of the Agricultural College. Any unused portion at the end of the year shall remain and be known as the "Trade-Mark Fund" to be used for the purpose of investigation and publishing the information with regard to the products and standards used in connection therewith. And for this purpose the Food Commissioner is authorized to publish bulletins giving information by him deemed of value to the general public.

Approved February 10, 1917.