

FILED APR 8 1971

SENATE FILE 473

BY COMMITTEE ON JUDICIARY

Passed Senate, Date 4-27-71 Passed House, Date 5-21-71

Vote: Ayes 41 Nays 0 Vote: Ayes 76 Nays 0

Approved June 4, 1971

Passed Senate as amended by House

*5-26-71
ayes 45, nays 0*

A BILL FOR

1 An Act relating to remedies for the dilution of the dis-
2 tinctiveness of a mark.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Section five hundred forty-eight point eleven
5 (548.11), subsection two (2), Code 1971, is amended by strik-
6 ing the subsection and inserting in lieu thereof the follow-
7 ing:

8 2. Likelihood of injury to business reputation or of
9 dilution of the distinctive quality of a mark or trade name
10 shall be a ground for injunctive relief in cases of
11 infringement of a mark registered or not registered or in
12 cases of unfair competition, notwithstanding the absence of
13 competition between the parties or the absence of confusion
14 as to the source of goods or services.

EXPLANATION

15
16 This bill provides that likelihood of injury to business
17 reputation or dilution of distinctive quality of a mark or
18 trade name shall be a ground for injunctive relief. It is
19 not necessary that there be competing products for the re-
20 lief to be sought.

21 Present law merely provides that dilution of distinctive-
22 ness of a mark may be grounds for injunctive relief. In some
23 cases under present law the injunction would not be avail-
24 able until after the damage is done.

25

HOUSE AMENDMENT TO SENATE FILE 473

1 Amend Senate File 473, as passed by the Senate, as
2 follows:
3 Page 1, by striking lines 8 through 14 and inserting
4 in lieu thereof the following:
5 "2. Likelihood of injury to business reputation or
6 to a trade name valid at common law, or of dilution of
7 the distinctive quality of a mark, whether registered or
8 not registered under this chapter, shall be a ground
9 for injunctive relief notwithstanding the absence of
10 competition between the parties or the absence of
11 confusion as to the source of goods or services."

Received from House
May 24, 1971

Senate concurred 5/26

1 Amend Senate File 473, as passed by the Senate,
2 as follows:
3 1. Page 1, by striking lines 8 through 14 and
4 inserting in lieu thereof the following:
5 "Likelihood of injury to business reputation
6 or to a trade name valid at common law, or of
7 dilution of the distinctive quality of a mark,
8 whether registered or not registered under this
9 Act, shall be a ground for injunctive relief
10 not withstanding the absence of competition between
11 the parties or the absence of confusion as to the
12 source of goods or services."

Filed - *Adopted 5/21*
May 19, 1971

By HILL of Polk
District 62

House